

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

LISA WASHINGTON,

No. 3:14-cv-02984-CRB

Plaintiff,

ORDER DENYING MOTION TO STAY

v.

LOWE'S HIW INC., ET AL.,

Defendants.

Now before the Court is Plaintiff Lisa Washington's motion to stay this Court's order of December 16, 2014 (dkt. 52) granting two motions to dismiss and denying leave to amend. See Mtn. for Relief Pending Appeal: Stay (dkt. 59). Washington moves for a stay pending appeal on the grounds that "the appellant was denied the opportunity to present views on the issues" and that "the defendants engaged in fraud, misrepresentation to the court on the facts in the case [and o]ther misconduct prevented the appellant from fully and fairly presenting her motion to the court."

Four factors guide a District Court's decision whether to stay an order pending appeal: (1) whether the movant made a strong showing that she is likely to succeed on appeal; (2) whether the movant will be irreparably injured absent a stay; (3) whether issuance of the stay will substantially injure the other parties interested in the proceeding; and (4) where the public interest lies. See Hilton v. Braunskill, 481 U.S. 770, 776 (1987)).

1 Here, all factors weigh in favor of denying Washington's motion to stay. As this
2 Court discussed in its Order Revoking In Forma Pauperis Status on Appeal, Washington's
3 issues on appeal are frivolous, contain no arguable basis in fact or law, and are procedurally
4 barred. Specifically with respect to the two grounds Washington now advances in favor of a
5 stay, the Court already determined that Washington was not entitled to oral argument under
6 Northern District of California Local Rule 7-1(b) and that Washington's bare assertion that
7 defendants engaged in fraud and misrepresentation is neither grounded in fact nor appealable.
8 See Order Revoking In Forma Pauperis Status on Appeal at 2–3. Washington has made no
9 showing that she will be injured absent a stay or that the public interest favors it, and the
10 Court sees none.

11 Accordingly, Washington's motion to stay is DENIED.

12 **IT IS SO ORDERED.**

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15 Dated: January 30, 2015



CHARLES R. BREYER
UNITED STATES DISTRICT JUDGE